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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,590	10/24/2000	Ron Goldman	15031.001	2020
27383	7590	03/02/2004	EXAMINER	
CLIFFORD CHANCE US LLP 200 PARK AVENUE NEW YORK, NY 10166			YOUNG, JOHN L	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/695,590	GOLDMAN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	John L Young	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 October 2000.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-108 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-108 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 4.
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

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## **FIRST ACTION REJECTION**

### **DRAWINGS**

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### **USE OF TRADEMARK IN CLAIMS**

2. Claims 57, 67 & 74 are rejected as being indefinite pursuant to 35 USC 112 ¶2 because of the use of a trademark in the claims. The relationship between a trademark and the product it identifies is sometimes indefinite, uncertain, and arbitrary . . . [because] the characteristics of the product may change from time to time and yet it may continue to be sold under the same trademark." MPEP 608.01(v).

### **CLAIM REJECTION – 35 U.S.C. §103(a)**

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between

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the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-108 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sloane et al., 6,434,530 (Aug. 13, 2002) [US f/d: 1/20/1999] (herein referred to as "Sloane").

As per claim 1, Sloane (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; col. 1, ll. 12-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-63; col. 5, ll. 7-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1067; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-67; and col. 16, ll. 1-59) shows the marketing method of claim 1.

Sloane lacks an explicit recital of claim 1 even though Sloane reasonably suggests same. It would have been obvious to one of ordinary skill in the art at the time of the invention that Sloane (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; col. 1, ll. 12-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-63; col. 5, ll. 7-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1067; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-67; and col. 16, ll. 1-59) would have been selected in

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accordance with claim 1 because claim 1 suffers from undue breadth and because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60)).

As per dependent claims 2-12, Sloane shows the method of claim 1 and subsequent base claims depending from claim 1.

Sloane lacks explicit recitation of the elements and limitations of claims 2-12, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 2-12 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 2-12, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60)).

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Independent claim 13 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 14-24, Sloane shows the system of claim 13 and subsequent base claims depending from claim 13.

Sloane lacks explicit recitation of the elements and limitations of claims 14-24, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 14-24 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 14-24, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60)).

Independent claim 25 is rejected for substantially the same reasons as independent claim 1.

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As per dependent claims 26-29, Sloane shows the method of claim 25 and subsequent base claims depending from claim 25.

Sloane lacks explicit recitation of the elements and limitations of claims 26-29, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 26-29 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 26-29, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60).

Independent claim 30 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 31-34, Sloane shows the system of claim 30 and subsequent base claims depending from claim 30.

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Sloane lacks explicit recitation of the elements and limitations of claims 31-34, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 31-34 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 31-34, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60).

Independent claim 35 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 36-37, Sloane shows the method of claim 35. Sloane lacks explicit recitation of the elements and limitations of claims 36-37, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 36-37 were notoriously well known and expected in the art at

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the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 36-37, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60)).

Independent claim 38 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 39-40, Sloane shows the system of claim 38.  
... Sloane lacks explicit recitation of the elements and limitations of claims 39-40, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 39-40 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 39-40, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times*

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*such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60).

Independent claim 41 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 42-43, Sloane shows the method of claim 41.

Sloane lacks explicit recitation of the elements and limitations of claims 42-43, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 42-43 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 42-43, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60).

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Independent claim 44 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 45-46, Sloane shows the system of claim 44.

Sloane lacks explicit recitation of the elements and limitations of claims 45-46, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 45-46 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 45-46, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60).

Independent claim 47 is rejected for substantially the same reasons as independent claim 1.

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As per independent claim 48, Sloane (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; col. 1, ll. 12-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-63; col. 5, ll. 7-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1067; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-67; and col. 16, ll. 1-59) reasonably suggests the elements and limitations of claim 48; however,

Sloane lacks explicit recitation of the elements and limitations of claim 48, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claim 48 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claim 48, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60).

As per dependent claims 49-57, Sloane shows the method of claim 48 and subsequent base claims depending from claim 48.

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Sloane lacks explicit recitation of the elements and limitations of claims 45-46, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 45-46 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 45-46, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60)).

Independent claim 58 is rejected for substantially the same reasons as independent claim 48.

As per dependent claims 59-67, Sloane shows the system of claim 58 and subsequent base claims depending from claim 58.

Sloane lacks explicit recitation of the elements and limitations of claims 59-67, even though the disclosure of Sloane reasonably suggests same.

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Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims claims 59-67 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 59-67, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60).

Independent claim 68 is rejected for substantially the same reasons as independent claim 1.

Independent claim 69 is rejected for substantially the same reasons as independent claim 1.

As per independent claim 70, Sloane (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; col. 1, ll. 12-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-63; col. 5, ll. 7-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1067; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col.

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12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-67; and col. 16, ll. 1-59)

reasonably suggests the elements and limitations of claim 70; however,

Sloane lacks explicit recitation of the elements and limitations of claim 70, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claim 70 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claim 70, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60).

As per dependent claims 71-72, Sloane shows the method of claim 70.

Sloane lacks explicit recitation of the elements and limitations of claims 71-72, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 71-72 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at

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the time of the invention to include the elements and limitations of claims 71-72, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60)).

Independent claim 73 is rejected for substantially the same reasons as independent claim 1.

As per dependent claim 74, Sloane shows the method of claim 73.

Sloane lacks explicit recitation of the elements and limitations of claim 74, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims claim 74 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claim 74, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example*

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*with price and/or product advisories, at the time the decisions are being made." (See Sloane (col. 2, ll. 40-60).*

  
Independent claim 75 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 76-79, Sloane shows the method of claim 75 and subsequent base claims depending from claim 75.

Sloane lacks explicit recitation of the elements and limitations of claims 76-79, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 76-79 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 76-79, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60).

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Independent claim 80 is rejected for substantially the same reasons as independent claim 75.

As per dependent claims 81-84, Sloane shows the system of claim 80 and subsequent base claims depending from claim 80.

Sloane lacks explicit recitation of the elements and limitations of claims 81-84, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 81-84 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 81-84, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60).

Independent claim 85 is rejected for substantially the same reasons as independent claim 1.

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As per dependent claims 86-94, Sloane shows the system of claim 85.

Sloane lacks explicit recitation of the elements and limitations of claims 86-94, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 86-94 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 86-94, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60).

Independent claim 95 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 96-104, Sloane shows the system of claim 95.

Sloane lacks explicit recitation of the elements and limitations of claims 96-104, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 96-104 were notoriously well known and expected in the art at

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the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 96-104, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60).

As per independent claim 105, Sloane (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; col. 1, ll. 12-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-63; col. 5, ll. 7-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1067; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-67; and col. 16, ll. 1-59) reasonably suggests the elements and limitations of claim 105; however,

Sloane lacks explicit recitation of the elements and limitations of claim 105, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claim 105 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claim 105, because selection of such features would have provided "*shoppers with the kind of supplemental*

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*information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made." (See Sloane (col. 2, ll. 40-60).*

As per dependent claim 106, Sloane shows the system of claim 105.

Sloane lacks explicit recitation of the elements and limitations of claim 106, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims claim 106 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claim 106, because selection of such features would have provided '*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*' (See Sloane (col. 2, ll. 40-60).

As per independent claim 107, Sloane (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; col. 1, ll. 12-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-63; col. 5, ll. 7-67; col. 6, ll. 1-

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67; col. 7, ll. 1-67; col. 8, ll. 1067; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-67; and col. 16, ll. 1-59)

reasonably suggests the elements and limitations of claim 107; however,

Sloane lacks explicit recitation of the elements and limitations of claim 107, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claim 107 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claim 107, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60)).

As per dependent claim 108, Sloane shows the system of claim 107.

Sloane lacks explicit recitation of the elements and limitations of claim 108, even though the disclosure of Sloane reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims claim 108 were notoriously well known and expected in the art at

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the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claim 108, because selection of such features would have provided "*shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made.*" (See Sloane (col. 2, ll. 40-60).

## CONCLUSION

4. Any response to this action should be mailed to:

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or  
(703) 746-7239 (for formal communications marked AFTER-FINAL) or  
(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist

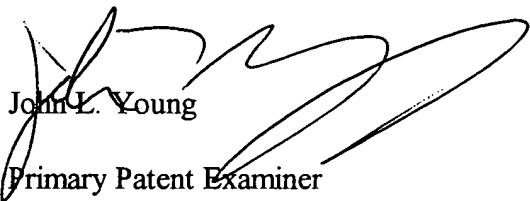
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Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



John L. Young  
Primary Patent Examiner

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